

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**STEVEN L. INSKEEP**

Petitioner,

Case No. 3:05-cv-205

-vs-

District Judge Thomas M. Rose

**D. TIMMERMAN-COOPER, Warden**

Chief Magistrate Judge Michael R. Merz

Respondent.

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**ENTRY AND ORDER OVERRULING STEVEN L. INSKEEP’S OBJECTIONS (Doc. #35) TO CHIEF MAGISTRATE JUDGE MICHAEL R. MERZ’S REPORT AND RECOMMENDATIONS (Doc. #34); OVERRULING INSKEEP’S OBJECTIONS (Doc. #37) TO CHIEF MAGISTRATE JUDGE MERZ’S SUPPLEMENTAL REPORT AND RECOMMENDATIONS (Doc. #36); ADOPTING CHIEF MAGISTRATE JUDGE MERZ’S REPORT AND RECOMMENDATIONS AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS IN THEIR ENTIRETY AND TERMINATING THIS CASE**

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This matter is before the Court pursuant to Petitioner Steven L. Inskeep’s (“Inskeep’s”) Objections (doc. #35) to the Report and Recommendations of Chief Magistrate Judge Michael R. Merz (doc. #34) and Inskeep’s Objections (doc. #37) to the Supplemental Report and Recommendations of Chief Magistrate Judge Merz (doc. #36). The Report and Recommendations and the Supplemental Report and Recommendations addresses Inskeep’s application for a certificate of appealability.

The Chief Magistrate Judge initially entered a Report and Recommendations regarding Inskeep’s Petition. (Doc. #34.) After receiving objections from Inskeep, the Chief Magistrate Judge issued a Supplemental Report and Recommendations. (Doc. #36.) The Warden did not file objections to either the Report and Recommendations or the Supplemental Report and Recommendations. Inskeep’s Objections to the Report and Recommendations and to the

Supplemental Report and Recommendations are, therefore, ripe for decision.

The Chief Magistrate Judge found that a certificate of appealability should not be granted on Grounds One, Three, Four, Five, Six, Seven, Eight or Nine for Relief and that a certificate of appealability should be granted on Ground Two for Relief. Ground Two for relief is based upon insufficient evidence.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case regarding Inskeep's application for a certification of appealability. Upon said review, the Court finds that Inskeep's objections to the Chief Magistrate Judge's Report and Recommendation and Inskeep's objections to the Chief Magistrate Judge's Supplemental Report and Recommendations are not well-taken, and they are hereby OVERRULED..

The Report and Recommendations and the Supplemental Report and Recommendations are adopted in their entirety. Inskeep is granted a certificate of appealability on Ground Two and is denied a certificate of appealability on Grounds One, Three, Four, Five, Six, Seven, Eight and Nine. The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio this Seventh day of September, 2006.

/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Steven L. Inskeep